

Press Release from 10-26-21 East Lyme, CT

In long-awaited victory for conservation of East Lyme's Oswegatchie Hills and the Niantic River, [a judge has ruled in favor](#) of three organizations seeking to protect 236 acres of coastal forest threatened with destructive development. The court rejected the developer's challenge to the preliminary decision, sending the decision back to the local zoning commission.

"This is the fourth Judge over 17 years to recognize the substantial environmental interests in preserving the Oswegatchie Hills and the Niantic River and to uphold the Commission's obligations to thoroughly consider and protect these interests before allowing ultra-dense development that could destroy them forever," said **Roger Reynolds, senior legal counsel at Save the Sound**. "The applicant will finally have to disclose their detailed plans and we look forward to presenting in-depth, science-based information about the devastating and irreversible impacts that this 840-unit monstrosity would have on wetlands, coastal forest, and the Niantic River."

Landmark Development Group LLC had appealed East Lyme Zoning Commission's 2015 conditional approval of the developer's preliminary site plan, claiming that the commission acted illegally by refusing to rezone a vast swath of the Hills for high-density development. Save the Sound (previously Connecticut Fund for the Environment), Friends of the Oswegatchie Hills Nature Preserve, and Save the River-Save the Hills intervened to protect the public trust in the Oswegatchie Hills and Niantic River. At that hearing the intervenors provided evidence that stormwater from the development would unreasonably pollute wetlands and the Niantic River and that the developer had failed to disclose that one of the buildings would actually be located directly on a wetland. The developer did not seek to rebut or contest any of this evidence at the hearing.

On June 30, 2021, Save the Sound's attorneys presented oral argument before Hartford's Connecticut Superior Court/Land Use Court, contending that the court should reject the developer's appeal because the developer had thus far failed to address any of the substantial environmental impacts raised at the hearing and in the previous decisions.

Late Friday night, the court released the decision in which Judge Marshall K. Berger declared that the court will deny the developer's appeal to overturn the preliminary decision and stay the matter pending action by the commission. The developer was ordered to supply the necessary environmental and other information for the commission to adequately consider the final site plan and rezoning.

"Obviously the Friends of Oswegatchie Hills is thrilled by Judge Berger's decision," said **Kris Lambert, president of Friends of the Oswegatchie Hills Nature Preserve**. "It has been a long five years to get to this point and an even longer 20 years that we have been in the fight to protect the fragile environment of the Hills and the Niantic River. This ruling now requires Landmark to provide complete information so that the Zoning Commission has the facts it needs to make a decision about a final site plan, if and when submitted. The Friends continue to think that absolutely no development on the 236 acres is best for the environment of both the Hills and the River. In the end it is still our goal to acquire and permanently protect the last bit of undeveloped land on the Niantic River."

Fred Grimsey, founder and president of Save the River-Save the Hills, said, “We are gratified by Judge Berger’s decision and recognition that the final site plan, with necessary environmental information about the impact to wetlands and water quality, is needed to determine whether high-density development can be safely constructed in compliance with environmental laws. Our organization has always advocated that the best way to protect the River would be no development in the Hills.”

The Oswegatchie Hills are one of Connecticut’s most vulnerable parcels of open space. The Hills rise sharply from the Niantic River with a union of spectacular rock formations, rugged forest, wetlands, and vernal pools that provide a home for a multitude of native plant and animal species. The slopes carry shallow topsoil cover to the bedrock. Its coastal location provides a safe haven and refueling stop for migrating birds, and the hills protect the delicate ecosystem of the Niantic River, a tidal estuary that flows directly into Long Island Sound. The southern two-thirds of the forest is protected as the Oswegatchie Hills Nature Preserve, threaded with public trails that provide hiking and birdwatching.

The owner of the threatened parcel of 236 acres, Landmark Development, LLC, seeks to construct up to 840 units of housing, with 1,767 parking spaces and 36 acres of pavement and hard surfaces. Not only would the diversity of animal and plant life be harmed by this development, but stormwater runoff carrying pollutants from acres of impenetrable surfaces would threaten water quality. Nearly 30 local, regional, and state-wide organizations and hundreds of individual supporters have been working together for years, through the Save Oswegatchie Hills Coalition, to prevent destruction of this land and add it to the existing preserve.